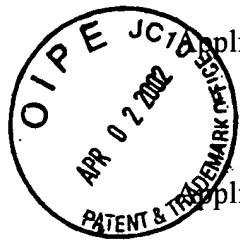


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Thomas Jozefiak, Stephen Randall Holmes-Farley, W. Harry Mandeville, III, Chad Cori Huval, Venkata R. Garigapati, Keith K. Shackett and Danny Concagni

Application No.: 09/721,291

Group Art Unit: 1617

Filed: November 22, 2000

Examiner: Wang, Shengjun

For: FAT-BINDING POLYMERS

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202	
on <u>3/27/02</u>	<u>Kathleen Riley</u> Signature
<u>Kathleen Riley</u> Typed or printed name of person signing certificate	

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REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

Sir:

Responsive to the Restriction Requirement dated December 10, 2001, the claims of Group V, species b (Claims 46, 58, 71, 73 and 74) are elected for prosecution. Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

The requirement is respectively traversed with respect to Group V, species a, c and d (Claims 42-45, 47-48, 56-57, 59-61 and 72). The claims of elected Group V, species b are drawn to methods of treating steatorrhea. The claims in Group V, species a, c and d are drawn to methods of treating obesity, treating hypertriglyceridemia and reducing the absorption of dietary fat.

Methods of treating obesity, treating steatorrhea, treating hypertriglyceridemia and reducing the absorption of dietary fat are related. Each method of treatment is disclosed in the

application as being related by comprising the step of orally administering to a mammal, such as a human, a therapeutically effective amount of fat binding polymer (see, for example, page 2, lines 21-22).

Rejoinder of the claims will render prosecution of this case to be consistent with the prosecution of the parent case, which considered all species. It is respectfully submitted that there would be no additional search burden in the examining of the claims of species a, c and d along with species b. Search of the species will be the same regarding the United States Patent Office classification system, which is based on the structure of the active ingredient. Therefore, there will be no burden in searching all of the subject matter. Even where the species are drawn to independent and distinct inventions, species should be examined together when there is no additional search burden on the Examiner:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions (MPEP § 803).

In summation, it is respectfully requested that the claims of Group V species b be recombined and examined together with the claims of species a, c and d.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Dated: 3/27/08